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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/015,403 | 12/12/2001 | Katsunobu Iguchi | S004-4500 | 5049 |

7590 03/11/2003
ADAMS & WILKS
31st Floor
50 Broadway
New York, NY 10004

EXAMINER

JACKSON, ANDRE L

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| ART UNIT | PAPER NUMBER |
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3677

DATE MAILED: 03/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,403

Applicant(s)

IGUCHI ET AL.

Examiner

Andre' L. Jackson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 4-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on December 28, 200. It is noted, however, that applicant has not filed a certified copy of the priority document #2000-400162 as required by 35 U.S.C. 119(b).

Election/Restrictions

Applicant's election of Species II (readable on claims 1-3) with traverse of the restriction requirement in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Specification

The disclosure is objected to because of the following informalities: On page 3 of the disclosure, 3rd paragraph, line 3, after the word "formed"; delete "by" and replace with -- of --.

On page 22, line 11, after the word "formed"; delete "by the" and replace with -- of --.

On page 36, 2nd paragraph, line 15, after the word "formed"; delete "by the" and replace with -- of --.

On page 37, line 3, after the word "formed"; delete "by the" and replace with -- of --.

Appropriate correction is required.

Claim Objections

Claim 1 is objected to because of the following informality: In line 3, after the word “formed”; delete “by a” and replace with -- of --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, the phrase “a second strap having an inserted portion inserted by the inserting portion” is indefinite. Here, it is unclear to whether the first or second strap includes the inserting structure that engages or is inserted with a corresponding structural element. For a clearer understanding of the above phrase, the Examiner proposes that the “inserted portion” is renamed to preclude any language or wording that gives a negative recitation of the limitations of the above claim. For example, the “inserted portion” can be established as a “receiving portion” or another comparable limitation that is more clearly defined. Appropriate explanation and correction is required.

As a note, the phrase “the inserted portion” or “an inserted portion” is present throughout the specification (including the Abstract) and will require appropriate correction as well.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,522,529 to Yurman et al. Yurman et al discloses a wrist mounting apparatus (11) comprising a first strap (13) having an inserting portion (27) at a front end thereof and rotatably supported by a main body (22); a second strap (13) having a receiving portion (33) (equated to applicant's inserted portion) engaged by the inserting portion at a front end thereof and rotatably supported by the main body; and a button (35) for fixing the inserting portion to the receiving portion and releasing the inserting portion from the receiving portion.

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 1,002,922 to Lederer. Lederer discloses a wrist mounting apparatus comprising a first strap (2) having an inserting portion (39) at a front end thereof and rotatably supported by a main body (3, 4); a second strap (1) having a receiving portion (29) (equated to applicant's inserted portion) engaged by the inserting portion at a front end thereof and rotatably supported by the main body; a spring (23) for urging at least one of the first strap and the second strap in an opening direction (Fig. 6); and a button (37) for fixing the inserting portion to the receiving portion and releasing the inserting portion from the receiving portion.

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by USPN 1,002,922 to Lederer. Lederer discloses a wrist mounting apparatus comprising a strap (2) formed by a hard material; a hinge (18) attached to a coupling portion (4) of the strap and a cabinet (defined by the hollow interior of body 1) of a main body (1) and urged by a spring (23) in a direction of opening the strap relative to the cabinet of the main body; a push button (37) provided at the cabinet; and engaging means (36, 39) engaged in a state of mounting the strap onto a wrist and disengaged by the push button.

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Conclusion

Additional references are cited on the PTO 892 form but were not used to determine patentability of this application instead the references gave background information on resilient watch or bracelet devices.

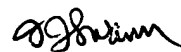
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (9 am - 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1018.

Andre L. Jackson
Patent Examiner
AU 3677

ALJ
February 1, 2003


J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600